

**APPENDIX:**

The Appendix includes the following item(s):

- 2 Flowcharts from MPEP 706.02(f)(1)(II)

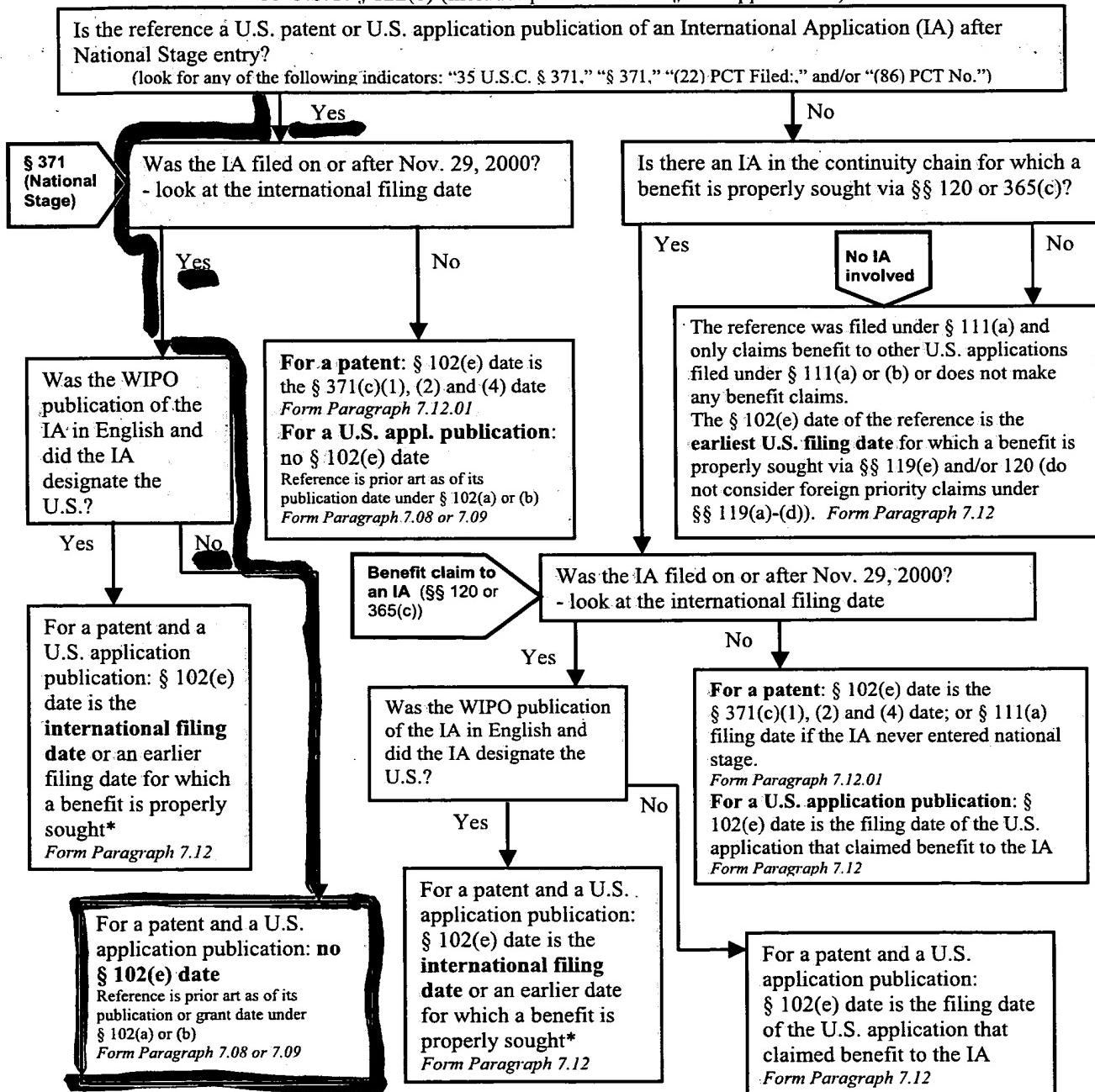
## III. FLOWCHARTS

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## FLOWCHARTS FOR 35 U.S.C. § 102(e) DATES:

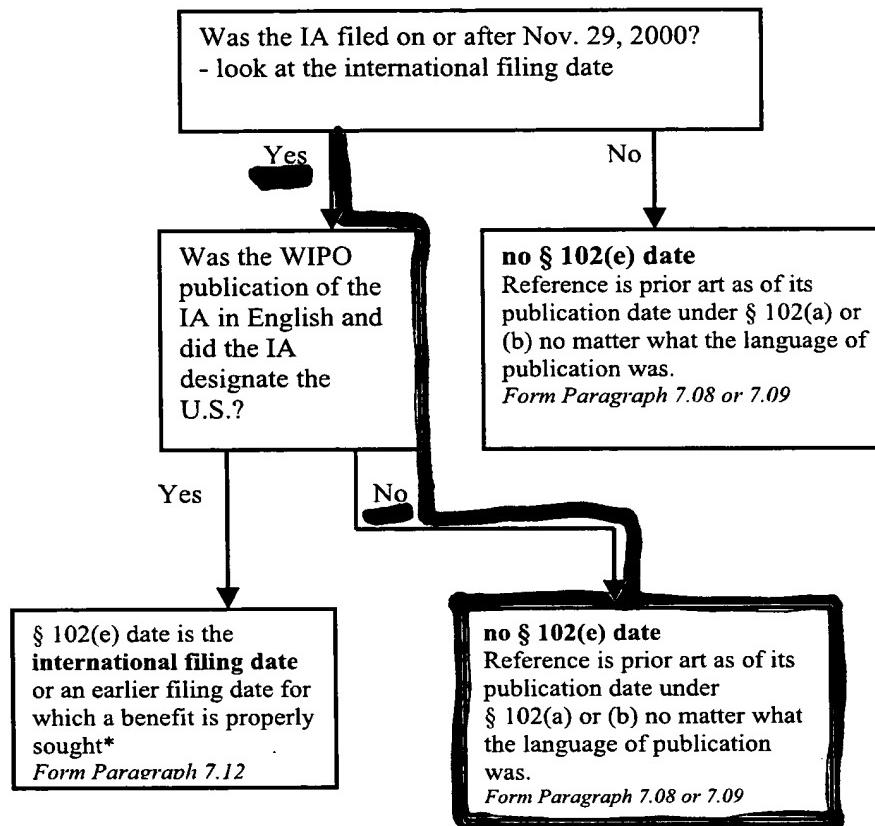
Apply to all applications and patents, whenever filed

**Chart I:** For U.S. patent or U.S. patent application publication under  
35 U.S.C. § 122(b) (includes publications of § 371 applications)



\* Consider benefit claims properly made under § 119(e) to U.S. provisional applications, § 120 to U.S. nonprovisional applications, and § 365(c) involving IAs. Do NOT consider foreign priority claims.

**FLOWCHARTS FOR 35 U.S.C. § 102(e) DATES:**  
**Apply to all applications and patents, whenever filed**  
**Chart II: For WIPO publication of International Applications (IAs)**



\* Consider benefit claims properly made under § 119(e) to U.S. provisional applications, § 120 to U.S. nonprovisional applications, and § 365(c) involving IAs. Do NOT consider foreign priority claims.

**Glossary of Terms:**

- U.S. patent application publication** = pre-grant publication by the USPTO under 35 U.S.C. § 122(b)
- International application (IA)** = an application filed under the Patent Cooperation Treaty (PCT)
- § 371 application** = an IA that has entered the national stage in the U.S. (35 U.S.C. § 371(c)(1), (2) and (4))
- November 29, 2000** = the effective date for the amendments to §§ 102(e) and 374
- WIPO** = World Intellectual Property Organization
- WIPO Publication** = a publication of an IA under PCT Article 21(2) (e.g., Publication No. WO 99/12345)
- § 111(a)** = provision of the patent code that states the **filing requirements for nonprovisional applications**
- § 111(b)** = provision of the patent code that states the **filing requirements for provisional applications**
- § 119(e)** = provision of the patent code that allows for **benefit claims to provisional applications**
- § 119(a)-(d)** = provision of the patent code that allows for **priority claims to foreign applications**
- § 120** = provision of the patent code that allows for **benefit claims to nonprovisional applications**
- § 365(c)** = provision of the patent code that allows for **benefit claims to international applications**